

# Staff Summary Report



Hearing Officer Hearing Date: April 15, 2008

Agenda Item Number: 10

**SUBJECT:** This is a public hearing for a request by the **MCLOUGHLIN RESIDENCE (PL080115)** located at 428 East Alameda Drive for one (1) use permit.

**DOCUMENT NAME:** 20080415dssl01

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by the **MCLOUGHLIN RESIDENCE (PL080115)** (David Koss/Tuff Shed, applicant; John McLoughlin, property owner) located at 428 East Alameda Drive in the R1-6, Single Family Residential District for:

**ZUP08050** Use permit to allow an accessory building for storage.

**PREPARED BY:** Sherri Lesser, Senior Planner (480-350-8486)

**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

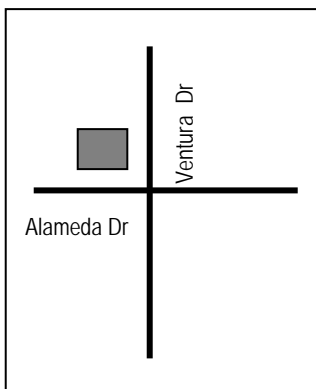
A handwritten signature in black ink, appearing to read 'SEA'.

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval, subject to Conditions 1-2.

**ADDITIONAL INFO:** The McLoughlin Residence is requesting a use permit for a detached accessory building located at the northwest corner of their lot behind the main residence; adjacent to the alley away from the street side. The structure received a building permit and has been constructed and located on the site. The applicant applied post-construction to rectify the absence of the use permit. The building will be used for storage of household items. Staff recommends approval of the use permit in that it is compatible with the existing residence and meets the necessary criteria. To date, one letter in opposition has been received citing concern with the building height.



**PAGES:**

1. List of Attachments
2. Comments; Reasons for Approval; Conditions of Approval; History & Facts
3. Description; Zoning & Development Code Reference

**ATTACHMENTS:**

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
- 5-7. Staff Photograph(s)
8. Letter of Opposition

## COMMENTS:

The McLoughlin Residence is requesting a use permit for a detached accessory building located at the northwest corner of their lot behind the main residence; adjacent to the alley. The property is a large corner lot at the intersection of Alameda Drive and Ventura Drive. The proposed building has been constructed and located on the site; the applicant was issued a building permit in absence of the required use permit. When informed of the oversight by the Building Safety Official; the applicant immediately made the application for the use permit process. The proposed building will be used as a storage building for household items.

Staff has received one letter in opposition to the accessory building; citing a concern for the height of the structure.

## Use Permit

The Zoning and Development Code requires a use permit for accessory buildings that exceed two hundred square feet (200 s.f.) in area and/or eight (8) feet in height. The structure must be placed at the required building setback for the district. The proposed structure is approximately six-hundred and ninety square feet (690 s.f.) in building area, twelve feet (12') in height and is located outside the required building setbacks for the R1-6, Single Family District. This use permit request meets all applicable tests in the following manner:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
  - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
  - No potential nuisances.
- c. Compatibility with existing surrounding structures and uses;
  - The proposed building is compatible with surrounding structures the uses.

## Conclusion

Staff recommends approval of the use permit, subject to conditions of approval.

## REASON(S) FOR APPROVAL:

1. The use appears to be compatible with the building, site and adjacent property.
2. Accessory building approved for storage use only. Not to be a habitable structure.

**SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.**

## CONDITION(S) OF APPROVAL:

1. Obtain all final clearance from the Building Safety Inspections Division for building construction and installation.

## HISTORY & FACTS:

February 11, 2008. The Building Safety Division issued a building permit for a 690 s.f. accessory building for the McLoughlin Residence.

## DESCRIPTION:

Owner – John McLoughlin  
Applicant – David Koss/Tuff Shed  
Existing Zoning – R1-6, Single Family Residential District  
Original Building Permit issued- July 12, 1965  
Lot Size – 17,312 s.f. / .397 acres  
Existing Building- 2000 s.f.

Proposed Accessory Bldg. Area - 690 s.f.  
Existing Building Height - 17'  
Proposed Accessory Bldg. Height – 12'  
Rear Yard Setback - 28 feet (15' required as measured from midpoint of alley)  
Side Yard Setback - 5 feet  
Existing Lot Coverage – 11.55%  
Proposed Lot Coverage – 15.5%  
Lot Coverage Allowed - 45%

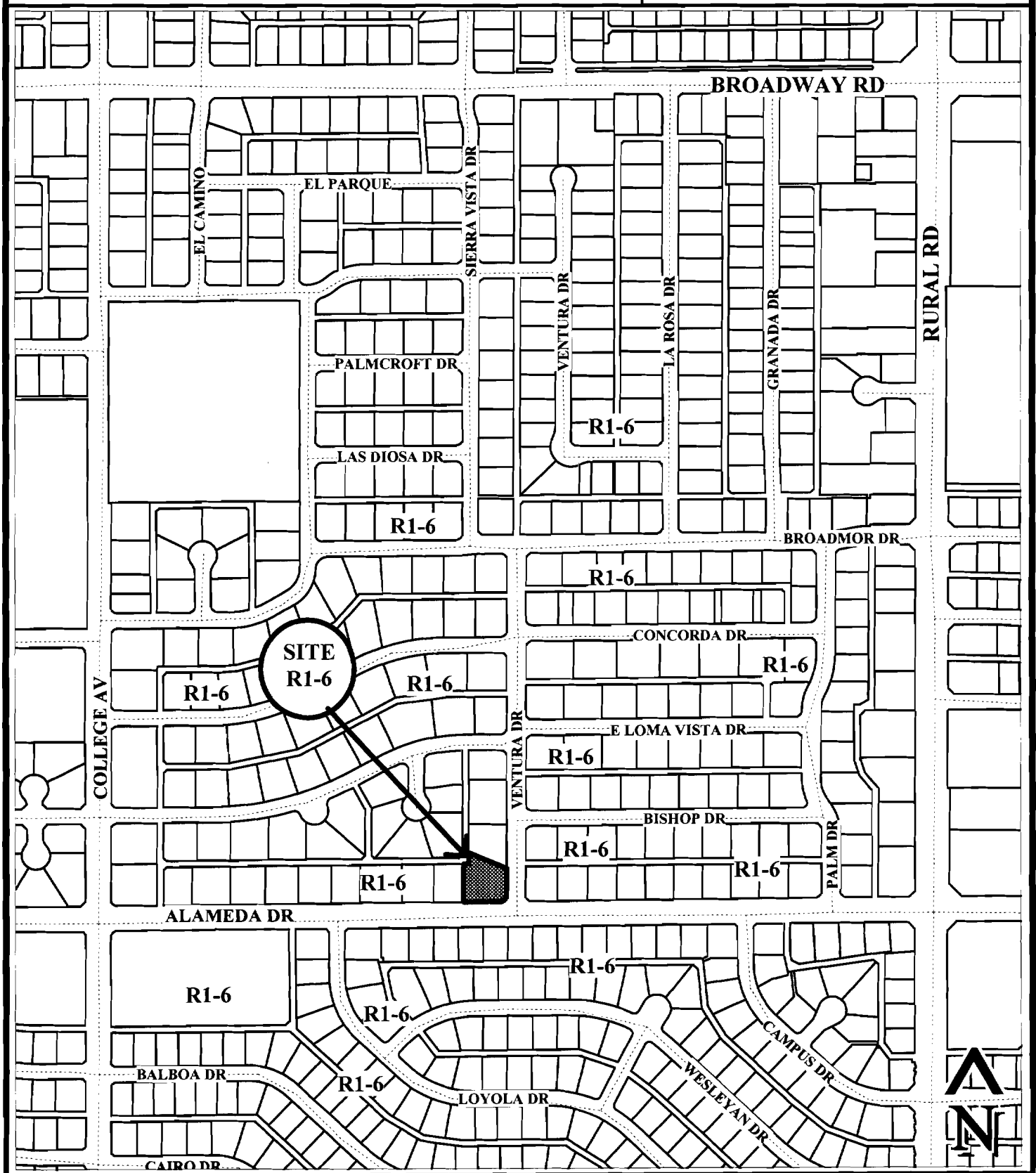
**ZONING AND  
DEVELOPMENT**

**CODE REFERENCE:**

Section 3-401- Accessory Buildings, Uses and Structures  
Section 6-308 – Use Permits

# MCLOUGHLIN RESIDENCE

PL080115



Location Map



MCLOUGHLIN RESIDENCE (PL080115)

3/26/08

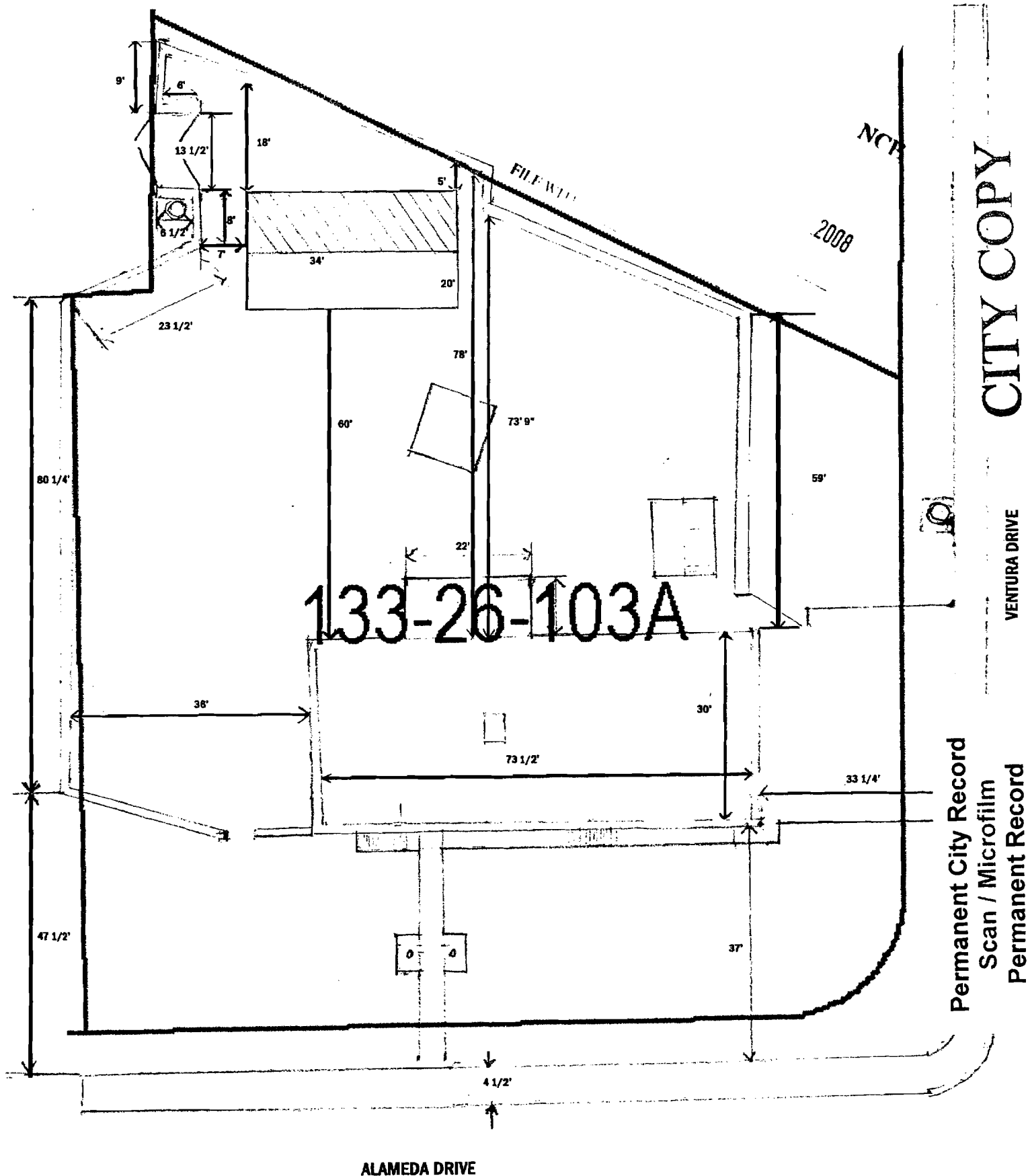
DAVID Koss  
TUFFSHED  
21455 LUNA ST  
Phoenix, AZ  
85046

CITY OF TEMPE

RE: TUFFSHED 20'x34'  
RANCH STYLE ACCESSORY  
BUILDING.

THE BUILDING CHOSEN BY THE  
McLOUGHLIN, RESIDING AT 428 S. ARLINGTON,  
IS BEING USED AS AN ACCESSORY  
BUILDING. STORING HOUSEHOLD GOODS  
ONLY.

David Koss  
TUFFSHED



428 E. Alameda Dr.



**MCLOUGHLIN RESIDENCE**

**428 E ALAMEDA DR**

**PL080115**

**REAR OF RESIDENCE: VIEW TO NORTH**





**MCLOUGHLIN RESIDENCE**

**428 E ALAMEDA DR**

**PL080115**

**FRONT OF RESIDENCE**





**MCLOUGHLIN RESIDENCE**

**428 E ALAMEDA DR**

**PL080115**

**REAR OF RESIDENCE**



April 2, 2008

Yes, I'm responding to the "Public Hearing Notice" I received re: the McLoughlin residence PL080115 (use permit LUPO 8050)

Something like a Tuff Shed was mentioned but it's a house which suddenly loomed over my neighbors back yard and which I can see from the street. As I drive by.

Why, when John applied for a building permit was he not told he had to inform the neighbors - or was he???

Whatever, the damage is done, he's happy with his new structure, how can we the neighbors expect him to lower the height, he accomplished what he wanted without our consent or input. Did his permit not inform you of the height?

Thanks for listening

Phyllis Malone  
410 E. Bishop  
Tempe 85282  
480-966-5093

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08 APR - 4 PM 12:52  
SERVICES DEPARTMENT